

NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY
BOARD MEETING MINUTES
TUESDAY JANUARY 26, 2017 – 5:30 P.M.

The regular meeting of the Full Board of the Non-Flood Protection Asset Management Authority was held on Tuesday, January 26, 2017 at 5:30 p.m., in the 2nd floor meeting room in the Lake Vista Community Center located at 6500 Spanish Fort Blvd., New Orleans, Louisiana after due legal notice of the meeting was sent to each Board member, the news media, and a copy of the call was posted.

Chair Heaton called the meeting to order at 5:45 p.m. and led in the Pledge of Allegiance.

The roll was called which constituted a quorum.

PRESENT:

Chair Wilma Heaton
Secretary Thomas Fierke
Comm. Rodger Wheaton
Comm. Anthony Richard
Comm. Greg Ernst
Comm. Bill Settoon
Comm. Leila Eames
Comm. Roy Arrigo
Comm. Dawn Hebert
Comm. Chris Morvant
Comm. Pat Meadowcroft
Comm. Sean Bruno

ABSENT:

Vice Chair Eugene Green
Comm. Stan Brien
Comm. Carla Major
Comm. Cedric Grant
Comm. Charles Henry

STAFF:

Sharon Martiny – Administrative Assistant
Chuck Dixon – Marina Director
Ben Morris – Airport Director
Craig Boudreaux – O.L.D. Police
Robert Harvey – O.L.D. Police Superintendent
Helaine Millner – Administrative Coordinator
Marlene Wilkerson – Accounting
Ngoc Ford – Deputy Director

ALSO PRESENT:

Gerard Metzger – Legal Counsel
Al Pappalardo – Real Estate Consultant
Duncan Loughridge – Stuart Consulting Group
Taylor Casey – Municipal Yacht Harbor
Tom Long – Lake Vista Crime Prevention District
Joe Hassinger – Chairman, O.L.D. Flood Authority
Tyree Worthy – Gentilly Messenger

ADOPT AGENDA

Comm. Richard offered a motion to adopt the Agenda, second by Comm. Fierke. Motion passed.

APPROVE MINUTES

Comm. Arrigo moved to approve the minutes of the October 17, 2016 Board meeting, second by Comm. Eames. Comm. Bruno moved to approve the minutes of the December 15, 2016 Board meeting, second by Comm. Hebert. Motions passed.

OPENING COMMENTS

The Budget meeting for FY 2017-2018 will be held at the March 2017 Finance Committee meeting as the last item on that Agenda. All full Board members are invited to attend.

PRESENTATION

Capt. Craig Boudreaux and Lt. Robert Garner

The Lakefront has seen a higher state of police visibility on Lakeshore Drive with special emphasis on people operating four-wheelers. O.L.D. police do not pursue four-wheelers at a high rate of speed as this may cause a larger problem. The police have recently stopped and impounded four 4-wheelers in recent weeks. Drivers are taken into custody and their vehicles are impounded. The Captain discovered a detail shop being operated in the back of one of the Shelters. Over 112 citations have been written over the past few weeks. Proof of insurance is required on any vehicle stopped.

COMMITTEE REPORTS:

Airport – Mr. Morris reported 156 aircraft arrived at Lakefront Airport for the automobile dealership convention. Design for the electrical vault is ongoing. The design for the main runway is also underway. The repair will be programmed during the slowest time of the year. Final touches are being made to the “Bali” mural and should be complete by month’s end.

Marina – The Boathouse Demo will be discussed later in the meeting. The pier repair bid package will be advertised in the near future and will go before the Board in February for award of the contract. Work on the Pennick Dock has begun and the PT Boat Shed at South Shore Harbor is underway.

Commercial Real Estate – Due diligence is underway by Comm. Green for unleased property managed and owned by the Non Flood Authority. There was one response for the Parcel K RFP, and that response did not address the rent required. The submittal was deemed non-responsive.

Recreation/Subdivision – Comm. Wheaton advised that Shelter Nos. 1 and 2 are moving along. Due diligence is underway regarding repairs to the Lake Terrace Fountain.

Legal - Mr. Metzger advised that four cases were discussed in Executive Session.

Finance – Comm. Richard advised that information from the last few months was reviewed with much time devoted to lease payments and the new software put in place to bill and collect outstanding invoices and bring rents up to date.

OLD BUSINESS

01-012617 – Motion to approve contracts with Charles L. Silbernagel & Associates, Inc., and Studio Kraft, L.L.C. for professional consulting services, for a period of one (1) year, to review plans and specifications of proposed projects for compliance with the Building Restrictions for the Lakefront Subdivisions

On motion of Comm. Wheaton, second by Comm. Fierke, the following Resolution was adopted:

MOTION: 01-012617
RESOLUTION: 01-012617
BY: COMMISSIONER WHEATON
SECONDED BY: COMMISSIONER FIERKE

January 26, 2017

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (“Management Authority” or “NFPAMA”) is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District;

WHEREAS, the District has a continuous need for professional engineering/architectural services to assist the Management Authority in reviewing plans and specifications of proposed projects for compliance with the building restrictions for the Lake Terrace, Lake Vista, Lakeshore, and Lake Oaks Subdivisions (“Lakefront Subdivisions”);

WHEREAS, pursuant to Resolution No. 08-082114, the Management Authority authorized the issuance of Request for Qualifications/Proposals (“RFQ/P”) for professional service agreements, every two years beginning in 2015, which includes engineering/architectural services;

WHEREAS, a RFQ/P was issued on July 19, 2016 for professional engineering/architectural services to assist the Management Authority in reviewing plans and specifications for proposed projects for compliance with the

building restrictions for the Lakefront Subdivisions, posted on the Management Authority website, notification forwarded to all commissioners, all engineering/architectural companies on NFPAMA DBE List, as well as engineering/architectural firms that had responded to previous RFQ/Ps and the local representatives for the Louisiana Architects Association;

WHEREAS, responses to the RFQ/P for these professional services were due no later than August 25, 2016;

WHEREAS, the NFPAMA website notified staff that twenty-eight Requests were downloaded and that five responses were received.

WHEREAS, prior to the January 12, 2017 Recreation/Subdivision Committee Meeting, the responses were reviewed and graded by the Committee Members, and at the Committee Meeting a recommendation was approved by the Committee to enter into a contract with the two highest scoring firms, Charles L. Silbernagel & Associates, Inc. and Studio Kraft, L.L.C., for a primary term of one (1) year commencing on the date the contracts are signed, and with the billing rates currently established for these professional services; and,

WHEREAS, the Management Authority considers it to be in the best interest of the District to enter into professional services contracts with Charles L. Silbernagel & Associates, Inc. and Studio Kraft, L.L.C. for professional consulting services, for a period of one (1) year commencing on the date the contracts are signed, and at the billing rates currently established for these professional services, to assist the Management Authority in reviewing plans and specifications of proposed projects for compliance with the building restrictions for the Lakefront Subdivisions.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves professional services contracts with Charles L. Silbernagel & Associates, Inc. and Studio Kraft, L.L.C., for professional consulting services, for a period of one (1) year commencing on the date the contracts are signed, and at the billing rates currently established for these professional services, to assist the Management Authority in reviewing plans and specifications of proposed projects for compliance with the building restrictions for the Lakefront Subdivisions; and,

BE IT FURTHER HEREBY RESOLVED, that the Management Authority Chairman or Interim Executive Director is authorized to sign any and all documents necessary to carry out the above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: HEATON, FIERKE, WHEATON, RICHARD, SETTOON, ERNST, EAMES, ARRIGO, HEBERT, MORVANT, MEADOWCROFT, BRUNO

ABSENT: GREEN, BRIEN, MAJOR, GRANT

RESOLUTION PASSED: YES

NEW BUSINESS

02-012617 – Motion to approve a Second Amendment of the Memorandum of Understanding with the New Orleans Municipal Yacht Harbor Management Corporation to extend the term for the use of the Upper Half of the Lake Vista Community Center for two years commencing April 1, 2017

On motion of Comm. Green at the January 2017 Commercial Real Estate Committee meeting, second by Comm. Settoon, the following Resolution was adopted:

MOTION: 02-012617
RESOLUTION: 02-012617
BY: COMMISSIONER GREEN
SECONDED: COMMISSIONER SETTOON

January 26, 2017

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District (“Management Authority”);

WHEREAS, Lake Vista Community Center (“Community Center”) is one of the non-flood protection assets owned by the District under the management and control of the Management Authority;

WHEREAS, the Management Authority and New Orleans Municipal Yacht Harbor Management Corporation (“MYHMC”), a public corporation of the City of New Orleans, entered into a Memorandum of Understanding for MYHMC to use the Upper Hall of the Community Center for its monthly board meetings, for a period of one year, which expired in March 2016;

WHEREAS, MYHMC encountered delays in the build-out of its replacement facilities and the Memorandum of Understanding between MYHMC and the Management Authority was amended to extend the term of the use of the Upper Hall for one additional year, commencing in April 2016;

WHEREAS, MYHMC still has not completed the build-out of replacement facilities for its monthly board meetings and has requested another extension to use the Upper Hall, for a period of two years;

WHEREAS, the Commercial Real Estate Committee considered the request of the MYHMC for an extension of the Memorandum of Understanding to use the Upper Hall of the Community Center at its January 19, 2017 meeting and voted to recommend approval of the request to the Management Authority; and,

WHEREAS, the Management Authority considers it to be in the best interest of the District to approve the extension of the Memorandum of Understanding with the New Orleans Municipal Yacht Harbor Management Corporation to extend the term for the use of the Upper Hall of the Lake Vista Community Center for two years.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves a Second Amendment of the Memorandum of Understanding with the New Orleans Municipal Yacht Harbor Management Corporation to extend the term for the use of the Upper Hall of the Lake Vista Community Center for two years, commencing April 1, 2017, and said Amendment to include provisions that the use of the Upper Hall shall be coordinated with the Management Authority’s staff and that the Memorandum of Understanding may be cancelled upon thirty (30) days written notice by either party, and with all other terms and conditions of the Memorandum of Understanding, as previously amended, to remain the same and in full force and effect.

BE IT HEREBY FURTHER RESOLVED, that the Management Authority Chairman or Interim Executive Director be and is hereby authorized to sign any and all documents necessary to carry out the above.

YEAS: HEATON, FIERKE, WHEATON, RICHARD, SETTOON, ERNST, EAMES, ARRIGO, HEBERT, MORVANT, MEADOWCROFT, BRUNO

ABSENT: GREEN, BRIEN, MAJOR, GRANT

RESOLUTION PASSED: YES

03-012617 – Motion to approve a contract with Construction Management Enterprises, LLC, as the lowest responsible bidder, in the amount of \$350,000.00 for demolition of the boathouses and improvements located on Orleans Marina Boathouse Sites W-1, W-14, W-15, W-16, N-40, N-41, N-42, N-43, N-44, N-45, and N-46
On motion of Comm. Arrigo, second by Comm. Fierke, the following Resolution was adopted:

MOTION: 03-012617
RESOLUTION: 03-012617
BY: COMMISSIONER ARRIGO
SECONDED BY: COMMISSIONER FIERKE

January 26, 2017

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (“Management Authority”) is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District (“District”);

WHEREAS, the Orleans Marina (“Marina”) is one of the non-flood protection assets of the Orleans Levee District managed by the Management Authority;

WHEREAS, the governing authorities of the Orleans Marina have leased sites in the Marina located on West and South Roadways since the early 1970s for the construction of boathouses and other improvements;

WHEREAS, pursuant to the terms of the leases for the boathouse sites in the Marina, the ownership of the boathouses and improvements (“boathouses”) located on the boathouse sites reverts to the Orleans Levee District upon the expiration or earlier termination of the leases;

WHEREAS, the ownership of the boathouses located on Orleans Marina Boathouse Sites W1, W14, W15, W16, N40, N41, N42, N43, N44, N45, and N46 reverted to the Orleans Levee District upon the expiration and early termination of the leases for these boathouse sites;

WHEREAS, the boathouses located on these leasehold sites had deteriorated to such a condition that it was determined that the boathouses needed to be demolished;

WHEREAS, the Management Authority advertised and solicited bids in accordance with the Louisiana Public Bid Law, La.Rev.Stat. 38:§2211, et seq., for the demolition of the boathouses on these sites and received four (4) bids for the demolition work;

WHEREAS, the following companies submitted bids in the following amounts for the demolition work:

| | |
|--|--------------|
| Construction Management Enterprises, LLC | \$350,000.00 |
| Dom Development Corporation | \$385,000.00 |
| Cycle Marine Group, Inc. | \$441,961.50 |
| Gill’s Crane & Dozier Service, Inc. | \$633,529.00 |

WHEREAS, the lowest responsible bidder was Construction Management Enterprises, LLC and the Management Authority’s engineering consultant, Design Engineering, Inc., and Marina Director recommended entering into a contract with Construction Management Enterprises, LLC, to complete the demolition work in accordance with the contract documents and specifications prepared by Design Engineering, Inc.;

WHEREAS, the Marina Committee at its regularly scheduled monthly meeting held on January 10, 2017 unanimously voted to recommend approval of a contract for the demolition work with Construction Management Enterprises, LLC;

WHEREAS, the funding for the demolition work was budgeted in the approved FY 2016-2017 Operating Budget; and,

WHEREAS, the Management Authority resolved that it was in the best interest of the District to approve a contract with Construction Management Enterprises, LLC, as the lowest responsible bidder, for the demolition work.

THEREFORE BE IT HEREBY RESOLVED that the Non-Flood Protection Asset Management Authority approves a contract with Construction Management Enterprises, LLC, for the price and sum of \$350,000.00, for the demolition of the boathouses and improvements located on Orleans Marina Boathouse Sites W1, W14, W15, W16, N40, N41, N42, N43, N44, N45, and N46, in accordance with the contract documents and specifications prepared by Design Engineering, Inc.

BE IT HEREBY FURTHER RESOLVED that the Management Authority authorizes the Authority Chairman or Interim Executive Director to sign any and all documents necessary to carry out the above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: HEATON, FIERKE, WHEATON, RICHARD, SETTOON, ERNST, EAMES, ARRIGO, HEBERT, MORVANT, MEADOWCROFT, BRUNO

ABSENT: GREEN, BRIEN, MAJOR, GRANT

RESOLUTION PASSED: YES

04-012617 - Motion to authorize Legal Counsel for the Management Authority to pursue claims, including filing lawsuits, against former boathouses lessees responsible for the cost of the demolition of boathouses in the Orleans Marina
Comm. Ernst offered a motion to amend the Resolution by adding “subject to Legal Committee approval”, second by Comm. Arrigo. Motion passed. Comm. Arrigo offered a motion to adopt the Resolution as amended, second by Comm. Bruno. Motion passed. On motion of Comm. Major, second by Comm. Arrigo, the following Resolution was adopted:

MOTION: 04-012617
RESOLUTION: 04-012617
BY: COMMISSIONER MAJOR
SECONDED BY: COMMISSIONER ARRIGO

January 26, 2017

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority ("Management Authority") is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District ("District");

WHEREAS, the Orleans Marina ("Marina") is one of the non-flood protection assets owned by the District managed by the Management Authority;

WHEREAS, the governing authorities of the Orleans Marina have leased sites in the Marina located on West and South Roadways since the early 1970s for the construction of boathouses and other improvements;

WHEREAS, under the terms of the written leases for the boathouse sites in the Marina, the lessees own the boathouses and improvements ("boathouses") located on the boathouse sites, and pursuant to the terms of these leases, ownership of the boathouses reverts to the District upon the expiration or earlier termination of the leases or the District may demand the removal of the boathouses and restoration of the sites to their original conditions at the lessee's expense;

WHEREAS, many of the boathouses are in a deteriorated condition and need to be demolished upon the expiration or earlier termination of the leases for the boathouse sites in the Marina;

WHEREAS, the Legal Committee of the Management Authority discussed this situation at its meeting held on January 10, 2017 and unanimously voted to recommend adoption of a resolution by the Management Authority authorizing Legal Counsel for the Management Authority to pursue claims, including filing lawsuits, against former boathouse lessees responsible for the cost of the demolition of boathouses in the Marina subject to approval by the Legal Committee; and,

WHEREAS, the Management Authority resolved that it was in the best interest of the District to authorize the Legal Counsel for the Management Authority to pursue claims, including filing lawsuits, against former boathouse lessees responsible for the cost of the demolition of boathouses in the Marina subject to approval by the Legal Committee.

THEREFORE BE IT HEREBY RESOLVED that the Non-Flood Protection Asset Management Authority authorizes Legal Counsel for the Management Authority to pursue claims, including filing lawsuits, against former boathouse lessees responsible for the cost of the demolition of boathouses in the Marina subject to approval by the Legal Committee.

BE IT HEREBY FURTHER RESOLVED that the Management Authority authorizes the Authority Chairman or Interim Executive Director to sign any and all documents necessary to carry out the above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: HEATON, FIERKE, WHEATON, RICHARD, SETTOON, ERNST, EAMES, ARRIGO, HEBERT, MORVANT, MEADOWCROFT, BRUNO

ABSENT: GREEN, BRIEN, MAJOR, GRANT

RESOLUTION PASSED: YES

05-012617 – Motion to reject as non-responsive the proposal submitted for the lease of Parcel K and to approve amendment of the Request for Proposals and issuance of the amended Request for Proposals for the lease and development of Parcel K located in the 8600 block of Pontchartrain Boulevard in the City of New Orleans

On motion of Comm. Green at the January 2017 Commercial Real Estate Committee meeting, second by Comm. Eames, the following Resolution was adopted:

MOTION: 05-012617
RESOLUTION: 05-012617
BY: COMMISSIONER GREEN
SECONDED BY: COMMISSIONER EAMES

January 26, 2017

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority ("Management Authority") is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District ("District");

WHEREAS, the property identified as Parcel K located in the 8600 block of Pontchartrain Boulevard in the City of New Orleans, between the New Basin Canal and the Orleans Marina, is one of the non-flood protection assets of the Orleans Levee District managed and controlled by the Management Authority;

WHEREAS, on August 29, 2016 the Management Authority issued a Request for Proposals to lease Parcel K (the "RFP");

WHEREAS, only one Response to the RFP to lease Parcel K by Brisbi Development, L.L.C. was submitted on or before the deadline for submissions on November 30, 2016;

WHEREAS, the Commercial Real Estate Committee reviewed the Response submitted at its meeting held on January 19, 2017 and resolved that the Response was non-responsive since it proposed a five year rent abatement, commencing upon the signing of the lease, which did not satisfy the Minimum Standard in the RFP for a minimum fixed annual base rent of no less than \$2.75, per square foot, payable monthly, with a CPI adjustment in the fifth and every ten (10) years thereafter;

WHEREAS, the Commercial Real Estate Committee voted to recommend to the Management Authority that the Response received from Brisbi Development, L.L.C. be rejected as non-responsive, that the RFP be amended to remove the Minimum Standard for the fixed annual base rental, to reschedule the Pre-Proposal Conference for prospective proposers at 10:00 a.m. on the 10th day of February, 2017, to establish a submission deadline for proposals to 1:00 p.m. on Monday, March 6, 2017, and, as amended, to be reissued by the Management Authority; and,

WHEREAS, the Management Authority resolved it was in the best interest of the Orleans Levee District that the Response received from Brisbi Development, L.L.C. be rejected as non-responsive, to approve the suggested amendments by the Commercial Real Estate Committee to the RFP and to approve the issuance of the RFP, as amended, for the lease of Parcel K.

THEREFORE, BE IT HEREBY RESOLVED that the Management Authority hereby rejects as non-responsive the proposal submitted by Brisbi Development, L.L.C. and hereby approves the following amendments to the Request for Proposals for the lease of the property identified as Parcel K (1) removal of the Minimum Standard for the fixed annual base rental, (2) rescheduling the Pre-Proposal Conference for prospective proposers to 10 a.m. on the 10th day of February, 2017, (3) establishing a submission deadline for proposals of 1:00 p.m. on Monday, March 6, 2017, and, as amended, hereby approves reissuance of the Request for Proposals.

BE IT HEREBY FURTHER RESOLVED that the Chairman or Interim Executive Director be and is hereby authorized to issue the Request for Proposals, as amended, for the lease of the property identified as Parcel K.

BE IT FURTHER HEREBY RESOLVED that the Chairman or Interim Executive Director be and is hereby authorized to execute any and all documents necessary to carry out the above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: HEATON, FIERKE, WHEATON, RICHARD, SETTOON, ERNST, EAMES, ARRIGO, HEBERT, MORVANT, MEADOWCROFT, BRUNO

ABSENT: GREEN, BRIEN, MAJOR, GRANT

RESOLUTION PASSED: YES

06-012616 – Motion to extend to February 28, 2017 the authority granted to the Management Authority Chairman as signatory on behalf of the Management Authority to sign agreements, checks, and other documents and to enter into contracts as authorized under Resolution No. 05-092216 and to ratify any such documents signed by the Management Authority Chairman since expiration of the authority granted under Board Resolution 05-092216 on January 15, 2017

On motion of Comm. Richard, second by Comm. Bruno, the following Resolution was adopted:

MOTION: 06-012617
RESOLUTION: 06-012617
BY: COMMISSIONER RICHARD
SECONDED BY: COMMISSIONER BRUNO

January 26, 2017

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (“Management Authority”) is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District (“District”);

WHEREAS, the Executive Director of the Management Authority resigned effective on September 13, 2016;

WHEREAS, pursuant to Resolution No. 05-092216, adopted on September 22, 2016, the Management Authority authorized the Management Authority Chairman to act as signatory on behalf of the Management Authority and sign any and all documents, releases, and contracts, including but not limited to FAA documents, FEMA reimbursement agreements, location agreements, settlement agreements, Louisiana State Civil Service documents, and checks, drafts and orders against any funds standing to the credit of the Management Authority with any banks or other depositories, and to make all agreements embodied in deposit slips or other documents evidencing deposits of funds with said banks or other depositories, and the banks or other depositories were authorized to honor checks, drafts and orders of the Management Authority when so signed by the Management Authority Chairman, unless and until said banks or other depositories received notice in writing from the Management Authority that the Management Authority Chairman was no longer authorized to administer the funds of the Management Authority, and also ratified all contracts signed and actions taken by the Management Authority Chairman after September 15, 2016 and through the date of adoption of Resolution No. 05-092216;

WHEREAS, Resolution No. 05-092216 also authorizes the Management Authority Chairman to enter into contracts for Management Authority business not to exceed the contract sum of \$25,000.00, provided that all contracts entered into by the Management Authority Chairman complied with all applicable federal, state, or local laws, and authorized the Management Authority Chairman to enter into contracts in emergency situations, defined as unforeseen mischance bringing with it destruction or injury to life or property or the imminent threat of such destruction or injury;

WHEREAS, the authority granted to the Management Authority Chairman under Resolution No. 05-092216 expired on January 15, 2017; and,

WHEREAS, the Management Authority resolved that it was in the best interest of the Orleans Levee District to extend the authority granted to the Management Authority Chairman under Resolution No. 05-092216 through the 28th day of February, 2017 and to ratify any contracts and other documents signed by the Management Authority Chairman, pursuant to said grant of authority, since January 15, 2017 and through to the date of the adoption of this Resolution.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority extends through the 28th day of February, 2017 the authority of the Management Authority Chairman to act as signatory on behalf of the Management Authority and sign any and all documents, releases, and contracts, including FAA documents, FEMA reimbursement agreements, location agreements, settlement agreements, Louisiana State Civil Service documents, and checks, drafts and orders against any funds standing to the credit of the Management Authority with any banks or other depositories, and to make all agreements embodied in deposit slips or other documents evidencing deposits of funds with said banks or other depositories, and the banks or other depositories shall be authorized to honor checks, drafts and orders of the Management Authority when so signed by the Management Authority Chairman, unless and until said banks or other depositories have received notice in writing from the Management Authority that the Management Authority Chairman is no longer authorized to administer the funds of the Management Authority.

BE IT HEREBY FURTHER RESOLVED, that the Management Authority hereby authorizes the Management Authority Chairman to enter into contracts for Management Authority business not to exceed the contract sum of \$25,000.00, provided that all such contracts entered into by the Management Authority Chairman on behalf of the Management Authority comply with any applicable federal, state, or local laws; and, the Management Authority Chairman shall also have the authority to enter into contracts in emergency situations, and that an emergency for purposes of this authority is an unforeseen mischance bringing with it destruction or injury to life or property or the imminent threat of such destruction or injury.

BE IT HEREBY FURTHER RESOLVED, that the authority granted under this Resolution to the Management Authority Chairman shall expire on the 28th day of February, 2017.

BE IT HEREBY FURTHER RESOLVED, that the Management Authority hereby ratifies all contracts and other documents signed, and actions taken by the Management Authority Chairman pursuant to Board Resolution No. 05-092216 since January 15, 2017 and through the date of adoption of this Resolution.

BE IT HEREBY FURTHER RESOLVED, that the Chairman, Vice-Chairman or Chairman of Finance of the Management Authority be and is hereby authorized to sign any and all documents necessary to carry out the foregoing.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: HEATON, WHEATON, RICHARD, SETTOON, ERNST, EAMES, ARRIGO, HEBERT, MORVANT, MEADOWCROFT, BRUNO
ABSTAIN: FIERKE
ABSENT: GREEN, BRIEN, MAJOR, GRANT
RESOLUTION PASSED: YES

07-012617 – Motion to appoint an Executive Director for the Non-Flood Protection Asset Management Authority

On motion of Comm. Richard, second by Comm. Arrigo, the following Resolution was adopted:

MOTION: 07-012617
RESOLUTION: 07-012617
BY: COMMISSIONER RICHARD
SECONDED BY: COMMISSIONER ARRIGO

January 26, 2017

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (“Management Authority”) is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District (“District”);

WHEREAS, Louisiana Revised Statutes, Title 38, Section 330.12.1(F) provides, in part, that the Management Authority may employ an Executive Director and such personnel as may be necessary to implement the provisions of this Section;

WHEREAS, the Management Authority employed Kenneth J. Schwingshagl as Executive Director of the Management Authority, effective March 21, 2016, which position has primary responsibility for the operations of the Management Authority;

WHEREAS, the Management Authority authorized Mr. Schwingshagl to act as a signatory on behalf of the Management Authority on all documents and contracts and take all actions of the Executive Director and thereby ratified his employment pursuant to Management Authority Resolution No. 07-042116;

WHEREAS, Mr. Schwingshagl resigned as Executive Director of the Management Authority in September of 2016;

WHEREAS, the Management Authority thereafter advertised for an Executive Director with State Civil Service, the Official Journal and the Internet, and the individual members of the Selection Committee reviewed and graded all applications and submitted their individual grading scores to the Chairman of the Management Authority;

WHEREAS, the Chairman of the Management Authority reviewed the applications and interviewed the applicants whose grading scores were submitted by the Selection Committee; and,

WHEREAS, on motion duly made, seconded and adopted, the Management Authority selected and appointed Jesse D. Noel, P.E. as the Executive Director of the Management Authority.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority hereby selects and appoints Jesse D. Noel, P.E. as the Executive Director of the Management Authority.

BE IT HEREBY FURTHER RESOLVED, that the Management Authority hereby authorizes Jesse D. Noel, P.E., as the Executive Director of the Management Authority, as signatory on any and all documents, releases, and contracts approved by the Management Authority and on checks, drafts and orders against any funds standing to the credit of the Management Authority with any banks or other depositories, and to be added as a signatory to the Capital One Bank Payables Checking Account, along with the Finance Chairman, Marina Director and Acting Airport Director, and to be added as a signatory on the Louisiana Asset Management Pool Account (the “LAMP Account”), and further be and is hereby authorized to take all actions as Executive Director authorized under the By-Laws of the Management Authority; and, shall also have the authority to enter into contracts in emergency situations, with emergency for purposes of this provision defined as an unforeseen mischance bringing with it destruction or injury to life or property or the imminent threat of such destruction or injury, and the Executive Director shall give a report on any such contracts at the next regularly scheduled Finance Committee Meeting.

BE IT HEREBY FURTHER RESOLVED, that the Management Authority Chairman, Secretary or Executive Director of the Management Authority be and is hereby authorized to sign any and all documents necessary to carry out the.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: HEATON, WHEATON, RICHARD, SETTOON, EAMES, ARRIGO, HEBERT, MORVANT, MEADOWCROFT, BRUNO
NAYS: ERNST
ABSTAIN: FIERKE
ABSENT: GREEN, BRIEN, MAJOR, GRANT
RESOLUTION PASSED: YES

ANNOUNCE NEXT MEETING

Chair Heaton announced the next full Board meeting will be held on Thursday February 23, 2017 at 5:30 p.m.

ADJOURNMENT

Comm. Major offered a motion to adjourn, seconded by Comm. Ernst. Motion passed. The meeting adjourned at 6:35 p.m.